

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 DAVID E. HAUSFELD, State Bar No. 110639
Deputy Attorney General
4 110 West "A" Street, Suite 1100
San Diego, CA 92101
5
6 P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 645-2025
7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

9
10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-284

13 JOHN EDWARD ZRODLOWSKI
2351 Shamrock Street
14 San Diego, CA 92105

A C C U S A T I O N

15 Registered Nurse License No. RN 562829

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
22 Department of Consumer Affairs.

23 2. On or about January 24, 2000, the Board of Registered Nursing issued
24 Registered Nurse License Number RN 562829 to John Edward Zrodowski (Respondent). The
25 Registered Nurse License was in full force and effect at all times relevant to the charges brought
26 herein and will expire on November 30, 2009, unless renewed.

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1 **CIVIL JURISDICTION**

2 3. This Accusation is brought before the Board of Registered Nursing
3 (Board), Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code unless otherwise indicated.

5 4. Section 2750 of the Business and Professions Code ("Code") provides, in
6 pertinent part, that the Board may discipline any licensee, including a licensee holding a
7 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
8 2750) of the Nursing Practice Act.

9 5. Code section 2764 provides, in pertinent part, that the expiration of a
10 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
11 against the licensee or to render a decision imposing discipline on the license. Under Code
12 section 2811, subdivision (b), the Board may renew an expired license at any time within eight
13 years after the expiration.

14 **STATUTORY PROVISIONS**

15 6. Section 2761 of the Code states, in pertinent part:
16 "The board may take disciplinary action against a certified or licensed nurse or
17 deny an application for a certificate or license for any of the following:

18 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

19 "....

20 "(f) Conviction of a felony or of any offense substantially related to the
21 qualifications, functions, and duties of a registered nurse, in which event the record of the
22 conviction shall be conclusive evidence thereof."

23 7. Section 2765 of the Code states in pertinent part:

24 "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a
25 charge substantially related to the qualifications, functions and duties of a registered nurse is
26 deemed to be a conviction within the meaning of this article. The board may order the license or
27 certificate suspended or revoked . . ."

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REGULATORY PROVISION

California Code of Regulations (CCR), Title 16, section 1444 states in pertinent part:

“A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

“(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.”

9. California Code of Regulations (CCR), Title 16, section 1445 states in pertinent part:

“....

“(b) When considering the suspension or revocation of a license on the grounds that a registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her eligibility for a licence will consider the following criteria:

(1) Nature and severity of the act(s) or offence(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offence(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.”

COST RECOVERY

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(December 18, 2008, Criminal Conviction for Making**
3 **a Criminal Threat on September 29, 2008)**

4 11. Respondent is subject to disciplinary action under section 2761(f), in that
5 Respondent was convicted of a crime substantially related to the qualifications, duties and
6 functions of a registered nurse. The circumstances are as follows.

7 12. While an employee at Kaiser Permanente (Kaiser) in San Diego,
8 California, on or about September 29, 2008, Respondent told his immediate supervisor, T.W.,
9 that he was going to use an ax and cut off the head of the General Manager of the facility, R.B.

10 13. As a result of this incident Respondent was arrested and on December
11 18, 2008, he entered a plea of guilty in San Diego Superior Court Case No. CD216639 to a
12 misdemeanor violation of Penal Code Sec. 422, making a criminal threat. As part of his criminal
13 sentencing, Respondent was placed on three years of formal probation; sentenced to 365 days in
14 the County jail, stayed, pending completion of probation; ordered to pay a fine; attend psychiatric
15 counseling and anger management counseling and have no further contact with R.B., T.W. or the
16 Kaiser Call Center.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Unprofessional Conduct)**

19 14. Respondent is subject to disciplinary action under section 2761(a) for
20 unprofessional conduct based upon the acts outlined in the First Cause for Discipline, and
21 incorporated herein by reference.

22 **PRAYER**

23 WHEREFORE, Complainant requests that a hearing be held on the matters herein
24 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:


25 1. Revoking or suspending Registered Nurse License Number RN 562829,
26 issued to John Edward Zrodowski.

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3. Taking such other and further action as deemed necessary and proper.

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RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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